



**BOARD OF ADJUSTMENT
MARICOPA COUNTY**
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AGENDA
Thursday, September 16, 2021

This hearing has been noticed in accordance with the Open Meeting Law (ARS §38-431).

Following CDC guidelines and Governor Ducey's Executive Order 2020-09 regarding recommendation to limit social gatherings, the public is invited to view the Board of Adjustment hearing on-line.

<https://attendee.gotowebinar.com/register/252033770826552078>

After registering, you will receive a confirmation e-mail containing information about joining the webinar.

To listen by telephone, dial 1 (914) 614-3221, when prompted enter Audio Access code 811-634-072. If you are not registered as a webinar participant, you may be able to listen to the hearing but will be unable to participate in the hearing. Registered participants may participate in real time when the Chairman instructs participants on how to be recognized or to provide comment.

If you would like to send a comment, or register support or opposition regarding one of the items on the agenda, please send an e-mail to Rachel.Applegate@Maricopa.Gov identifying the following:

- Board of Adjustment hearing date
- Agenda item and case number
- Your name, address, e-mail and phone number
- Identify yourself as applicant / applicant representative / in support / in opposition / other
- Indicate support or opposition
- Indicate if you wish to speak or do not wish to speak
- You may attach items to the email that you wish to be presented to the Board.
- Any such email must be received prior to the public hearing beginning for that item. It is preferred for the e-mail to be received at least one day prior to the public hearing.

All items on this agenda are for Board action unless otherwise noted. The Board may break for lunch at its discretion during this agenda. These items will be heard at the next available Board hearing if this hearing is cancelled or a quorum is lost.

Agendas are available within 24 hours of each meeting in the Maricopa County Planning & Development Office, 301 W. Jefferson St., Suite 170., Phoenix Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Auxiliary aids and services are available upon request to individuals with disabilities upon 72 hours advance notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the

request. If you require accommodations in order to participate in any forthcoming meeting or hearing, please contact Rosalie Pinney at Rosalie.Pinney@maricopa.gov at 602-506-0625 or 602-506-3301. TDD is available at 602-506-7140.

The staff reports prepared for each agenda item shall become a part of the permanent record for each case acted on at the Board hearing. Any material submitted as part of the record for a case will not be returned.

Public demonstrations of any kind by principals, witnesses, or spectators at any hearing before this Board, including cheering, booing, hand clapping, or the interruption of the hearing by voluntary remarks from the audience shall be strictly forbidden, and any person or persons who shall continue to participate in such conduct after having once been admonished for such conduct, shall be subject to being ejected from the hearing room by order of the Chairman.

Every witness shall fill out speaker's card and shall be limited up to a maximum of 3 minutes. Rebuttal by the applicant shall be limited up to a maximum of 5 minutes.

The Board of Adjustment is established, governed and limited by the provision of ARS §11-816. All Actions by the Board of Adjustment are final unless an appeal is filed with Superior Court within thirty (30) days of the Board's decision.

Results of the Board's action shall be available for the purpose of obtaining zoning clearances 24 hours after completion of the Board hearing.

Continuance Agenda: Items listed on the Continuance Agenda are items that are recommended for continuance by staff with concurrence from the applicant. These items will not have a hearing at this time, but shall be moved for continuance either indefinitely or to a date-certain. Those items that are continued indefinitely will require new notification.

Consent Agenda: Items listed on the Consent Agenda are considered routine by the Board and may be enacted in one motion. Any item on the Consent Agenda may be removed from the Consent Agenda and placed on the Regular Agenda for public hearing if a Board member or a citizen so desires.

Code Compliance Review: Staff will present the appeal from the decision of a Hearing Officer to the Board. After any questions from the Board, the appellant will be permitted to present the basis for the appeal. On an appeal the Board is limited to affirming the decision of the hearing officer or remanding the matter due to a procedural error. Therefore, the presentation by the appellant should be limited to demonstrating a procedural error that warrants a remand for a new or supplemental hearing before the hearing officer.

Regular Agenda: Items listed on the Regular Agenda are items that receive a full hearing. Staff will give a brief presentation and after question from the Board, the applicant will be permitted to present the merits of their case. The applicant's justification should demonstrate that owing to peculiar conditions relating to the subject property, a strict interpretation of the ordinance would work an unnecessary hardship, and that granting of the variance would not damage the intent and purpose of the zoning ordinance.

Call To Order: 10:00 a.m.

Roll Call: Board of Adjustment Members

Approval of Minutes: July 15, 2021

Announcements: The Chair shall make the normal meeting announcements.

Withdrawn:

1. **BA2021028** **Dovetail Development LLC Property** **District 1**
Applicant: Andrew S. Flood / Dovetail Development LLC
Location: APN 304-88-032P @ 52432 S. Lemon Ave. in the Queen Creek area
Request: Variance to permit:
1) Reduced lot area of 22,220 sq. ft. where substandard lots under 35,000 sq. ft. are considered legal non-conforming per Z2005006
Findings: Upon further staff evaluation of the site, the property is Legal Non-Conforming due to the Commission initiated Chandler Heights Rezone case Z2005006 per condition 'h' where any existing sub-standard lots under 35,000 sq. ft. are considered legal non-conforming. Z2005006 was approved by the Board of Supervisors on May 5, 2006. **The variance application has been withdrawn. No action required by the Board.**
Presented by: Daniel Johnson

Consent Agenda:

2. **BA2021032** **Hirsch Property** **District 3**
Applicant: Denise Hirsch
Location: APN 202-20-061K @ 43918 N. 16th St. – SW of 16th St. & Circle Mountain Rd. in the New River area
Request: Variance to permit:
1) Proposed east front setback for an accessory structure of 3½' where 40' is the minimum permitted per MCZO Article 503.1.1.a.
Findings: **The request meets the statutory test for variance approval**
Presented by: Martin Martell

Code Compliance Review: None

Regular Agenda:

3. **BA2021024** **Huck Property (Cont. from 8/12/21)** **District 3**
Applicant: Allain Mumbere, Martinet Law
Location: APN 211-51-053J @ 1542 W. Maddock Rd, in the Phoenix area
Request: Variance to permit:

- 1) Proposed side-yard setback of 21' where 30' is the minimum permitting per MCZO Article 503.4.2

Findings:

The request fails to meet the statutory test for variance approval

Presented by:

Jose Castañeda

4. **BA2021030**

Ledezma Property

District 5

Applicant/Owner:

Manuel Ledezma

Location:

APN 500-68-004X @ 11527 W. Atlanta Ave. – Atlanta Ave. & Avondale Blvd., in the Avondale area

Request:

Variance to permit:

- 1) Existing lot area of 43,055 sq. ft. where 43,560 sq. ft. is the minimum required per MCZO Article 503.5.1

Findings:

The request fails to meet the statutory test for variance approval

Presented by:

Sean Watkins

Other Matters:

Adjournment:

The Chair shall adjourn the hearing.